

AN ACT
RELATING TO THE LENGTH OF ON-DUTY PERIODS AND REQUIRED REST
PERIODS FOR DRIVERS OF RAIL CREW TRANSPORT VEHICLES, AND
PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 321.449A Rail crew transport
drivers.

1. A driver of a motor vehicle operated for hire which is designed to transport seven or more persons but fewer than sixteen persons including the driver and is used to transport railroad workers to or from their places of employment or during the course of their employment is subject to the following limitations:

a. The driver shall not drive such a vehicle more than ten hours following eight consecutive hours of uninterrupted rest.

b. The driver shall not drive such a vehicle for any period after having been on duty for fifteen hours following eight consecutive hours of uninterrupted rest.

c. The driver shall not accept a call for service from the driver's employer during a period of uninterrupted rest.

2. For purposes of this section, the following definitions apply:

a. "Employer" means a railroad worker transportation company, as defined in section 327F.39, for whom the driver performs a service, either for wages or as an independent contractor.

b. "On duty" means all time from the time a driver begins work or is required to be ready to work until the time the driver is relieved from work and all responsibility for performing work, whether or not the driver is compensated for

all of the time. A driver may drive more than one assigned trip, as long as the trip falls within the on-duty period. A driver *"begins work"* when the driver enters a transport vehicle to begin a trip assignment and is not *"relieved from work"* until the driver has exited the transport vehicle for the final time.

c. *"Uninterrupted rest"* means that the employer shall not communicate with the driver by telephone, pager, or in any other manner that could reasonably be expected to disrupt the driver's rest.

3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph "b".

Sec. 2. Section 327F.39, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0c.* *"Driver"* means a person who operates a motor vehicle for the transportation of railroad workers in the motor vehicle on behalf of a railroad worker transportation company, whether the person is employed by the company for wages or drives for the company as an independent contractor.

NEW PARAGRAPH. *0g.* *"Railroad worker transportation company"* means a person, other than a railroad corporation, organized for the purpose of or engaged in the business of transporting, for hire, railroad workers to or from their places of employment or in the course of their employment in motor vehicles designed to carry seven or more persons but fewer than sixteen persons including the driver.

Sec. 3. Section 327F.39, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. *Rest periods for drivers.*

a. A railroad worker transportation company shall not require a driver to operate a motor vehicle in violation of section 321.449A. A railroad worker transportation company may require a period of uninterrupted rest for a driver at any time. The period of uninterrupted rest shall not be less than eight hours. A railroad worker transportation company shall clearly communicate to a driver when a period of uninterrupted rest is to begin.

b. A railroad company shall not require a driver to operate a motor vehicle in violation of section 321.449A or this subsection.

c. For purposes of this subsection, *"uninterrupted rest"* and *"on duty"* mean the same as defined in section 321.449A.

Sec. 4. Section 327F.39, subsection 6, Code 2013, is amended

to read as follows:

6. *Penalty.*

a. Violation by the owner of a motor vehicle of this section, a rule adopted under this section, or an order issued under subsection 5, or willful failure to comply with such an order is, upon conviction, subject to a schedule "one" penalty as provided under section 327C.5.

b. A violation of subsection 4A or rules adopted pursuant to subsection 4A by a railroad worker transportation company or a railroad corporation is punishable as a schedule "one" penalty under section 327C.5.

Sec. 5. Section 805.8A, subsection 13, paragraph b, Code 2013, is amended to read as follows:

b. For a violation under section 321.449~~7~~ or 321.449A, the scheduled fine is fifty dollars.

PAM JOCHUM

President of the Senate

KRAIG PAULSEN

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 340, Eighty-fifth General Assembly.

MICHAEL E. MARSHALL

Secretary of the Senate

Approved _____, 2013

TERRY E. BRANSTAD

Governor